

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY *JE* D.C.

05 DEC -7 PM 3:47

JAMES KERLEY, as Chairman  
of the Boards of Trustees of the TENNESSEE  
CARPENTERS REGIONAL COUNCIL  
HEALTH & WELFARE FUND, TENNESSEE  
CARPENTERS REGIONAL COUNCIL  
TRAINING TRUST FUND, CARPENTERS  
LOCAL 345 PENSION FUND, and TENNESSEE  
CARPENTERS REGIONAL COUNCIL  
LOCAL 345,

Plaintiffs

vs.

ORANGE MOUND DEVELOPMENT  
CORPORATION,

Defendant.

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENNESSEE

2:05-cv-02630-SHM-sta

RULE 16(b) SCHEDULING ORDER

Pursuant to written notice, Plaintiff James Kerley, as Chairman of the Boards of Trustees of the Tennessee Carpenters Regional Council Health & Welfare Fund, Tennessee Carpenters Regional Council Training Trust Fund, Carpenters Local 345 Pension Fund, and Tennessee Carpenters Regional Council Local 345, by their attorneys Godwin, Morris, Laurenzi and Bloomfield, PC, hereby submits this Rule 16(b) Scheduling Order.

Defendant Orange Mound Development Corporation was served on September 1, 2005 but has yet to file an Answer. Therefore Plaintiff has proposed the following:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1): Tuesday, January 3, 2006.

the docket sheet in  
on 12-12-05

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JOINING PARTIES/AMENDING PLEADINGS:

for Plaintiff: Friday, March 3, 2006  
for Defendant: Monday, April 3, 2006.

COMPLETING ALL DISCOVERY: Friday, September 15, 2006.

- (a) Document Production: Friday, September 15, 2006.
- (b) Depositions, Interrogatories and Requests for Admissions: Friday, September 15, 2006.
- (c) Expert Witness Disclosure (Rule 26):
  - (1) Disclosure of Plaintiff's Rule 26 Expert Information: Friday, July 14, 2006.
  - (2) Disclosure of Defendants' Rule 26 Expert Information: Tuesday, August 15, 2006.
  - (3) Expert Witness Depositions: Friday, September 15, 2006.

FILING DISPOSITIVE MOTIONS: Monday, October 16, 2006.

FINAL LISTS OF WITNESSES AND EXHIBITS (Rules 26(a)(3)):

- (a) for Plaintiff: 45 days before trial
- (b) for Defendant: 30 days before trial

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 2-3 days. The presiding judge will set this matter for NON-JURY/JURY TRIAL. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Request for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP all 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

DATE: December 07, 2005

Respectfully submitted,


GODWIN, MORRIS LAURENZI  
& BLOOMFIELD, PC  
50 North Front Street, Suite 800  
Memphis, Tennessee 38103  
(901) 528-1702

BY:   
DEBORAH GODWIN #9972  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has  
been sent via US mail, postage prepaid, this 6<sup>th</sup> day of December, 2005 to:

Orange Mound Development Corporation  
2395 Park Avenue  
Memphis, TN 38114

  
DEBORAH GODWIN



## Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02630 was distributed by fax, mail, or direct printing on December 12, 2005 to the parties listed.

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Deborah A. Godwin  
GODWIN MORRIS LAURENZI & BLOOMFIELD, P.C.  
50 N. Front St.  
Ste. 800  
Memphis, TN 38103

Honorable Samuel Mays  
US DISTRICT COURT